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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,482	03/01/2004	Mark H. A. Tigges	16350-13US-1	9571
20988	7590	05/17/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2672	
DATE MAILED: 05/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/788,482

Applicant(s)

TIGGES, MARK H. A.

Examiner

Javid A Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-5 are drawn by hand. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Applicant submitted a drawing labeled as "Fig. A1" on dated 4/07/2004, that was not included in the original filed application. Applicant requires clearing the status of the (fig. A1).

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 22-44 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,727,910 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because,

Re. claim 22, the independent claim 22 of current application claims the following subject matter "***In a data processing system that executes a program of instructions, a method***

*for inverting a point  $X$  on a distorted surface in a detail-in-context presentation comprising the steps of: (a) locating a first approximation point  $P_i$  for an inversion of the point  $X$ , wherein the point  $P_i$  is on an undistorted surface; and, (b) obtaining a point  $P_i^D$  by displacing the point  $P_i$  onto the distorted surface by applying a distortion function  $D$ ; calculating a magnitude of the difference  $|P_i^D - X|$  between the point  $X$  and the point  $P_i^D$ ; and, determining whether the point  $P_i$  is acceptable for the inversion of the point  $X$  by comparing the magnitude of the difference to a tolerance  $\delta$ ".* The content of patent claim 1 (6,727,910 B2) claims the following subject matter: "In a data processing system that executes a program of instructions, a method for inverting a distorted surface in a detail-in-context presentation comprising the steps of: a) locating a first approximation point  $P_i$  for an inversion of a point  $X$ , wherein said point  $P_i$  is on an undistorted surface and said point  $X$  is on said distorted surface; b) obtaining a point  $P_i^D$  by displacing said point  $P_i$  onto said distorted surface by applying a distortion function  $D$ ; calculating a magnitude of the difference  $|P_i^D - X|$  between said point  $X$  and said  $P_i^D$ ; determining whether said point  $P_i$  is acceptable for said inversion of said point  $X$  by comparing said magnitude of the difference to a tolerance  $\delta$ ; and, selecting said tolerance  $\delta$  as a fraction of a width of a pixel for a computer display surface wherein said fraction includes one half; c) locating a next approximation point  $P_{i+1}$  for said inversion of said point  $X$  if said approximation point  $P_i$  is not acceptable for said inversion of said point  $X$ ; and, d) repeating steps (b) and (c) until said approximation point is acceptable for said inversion of said point  $X$ ".

The differences between the scope, content of the patent claim and the current application are: the scope of the patent claim and the current application claim is similar; the patent claims more details of the subject matter, and the only difference is in content shown by underlined in

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the patent claim. The reasons a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in the patent claim. The patent claims more detailed of the subject matter than the current application's claim.

Re. claims 23-26, Applicant claims similar subject matter as dependent claims. The subject matter is under lined at previous page. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 27, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 2. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 28, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 3. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 29, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 4. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 30, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 5. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 31, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 6. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 32, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 7. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 33, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 8. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 34, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 9. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 35, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 10. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 36, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 11. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 37, Applicant claims similar subject matter as independent claim in respect to the patent's independent claim 1. See reject of claim 22.

Re. claim 38, Applicant claims similar subject matter as dependent claim in respect to the patent's claim 1. See rejection of the claim 22. A person of ordinary skill in the art would

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conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 44 depends to the claim 37. Applicant in the preamble of claim 37 claims “a system for inverting a point X on a distorted surface” ... and since the subject matter involves to locate a first approximation for an inversion of the point X, and then in claim 38 section (d) repeating the process to locate the next approximation for the point X. It is obvious that by repeating the process, a person skill in the art would have implemented a system to be able to distinguish between obtaining points, for example: if a first approximation point  $P_1$  for an inversion point  $X_1$ , then the second approximation point would be  $P_2$  for an inversion point  $X_2$  and so on.

Re. claim 39, Applicant claims similar subject matter as independent claim in respect to the patent's claim 23. See rejection of the claim 22. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 40, Applicant claims similar subject matter of the patent independent claim 23 as following: and, selecting said tolerance  $\delta$  as a fraction of a width of a pixel for a computer display surface wherein said fraction includes one half; code for (c) locating a next approximation point  $P_{i+1}$  for said inversion of said point X if said approximation point  $P_i$  is not acceptable for said inversion of said point X; and, code for (d) repeating (b) and (c) until said approximation point is acceptable for said inversion of said point X. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

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Re. claim 41, Applicant claims similar subject matter as independent claim in respect to the patent's claim 34. See rejection of the claim 22. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 42, Applicant claims similar subject matter of the patent independent claim 34 as follows: means in the medium for (c) locating a next approximation point  $P_{i+1}$  for said inversion of said point X if said approximation point  $P_i$  is not acceptable for said inversion of said point X; and, means in the medium for (d) repeating (b) and (c) until said approximation point is acceptable for said inversion of said point X. A person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Re. claim 43, the scope of this claim is similar to the scope of the patent claim 1, however the content of the claim 43 indicates the obviousness type that determines by repeating in the claim 1, section (d) repeating the process to locate the next approximation for the points P and X. Therefore, it is obvious that by repeating the process, a person skill in the art would have implemented a system to be able to distinguish between obtaining points, for example: if a first approximation point  $P_1$  for an inversion point  $X_1$ , then the second approximation point would be called  $P_2$  for an inversion point  $X_2$  and so on.

Examiner's comment: Applicant may filed terminal disclaimer to overcome a provisional rejection based on a statutory double patenting.

Allowable subject matter: Claims 26, 30 and 40 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. The following claim limitations can



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not be found in the prior art, are as following: Calculating a magnitude of the difference  $|P_i^D - X|$  between said point X and said  $P_i^D$ ; determining whether said point  $P_i$  is acceptable for said inversion of said point X by comparing said magnitude of the difference to a tolerance  $\delta$ ; and, selecting said tolerance  $\delta$  as a fraction of a width of a pixel for a computer display surface wherein said fraction includes one half.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEFFERY A. BRIES  
PRIMARY EXAMINER

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini